

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sachin Mullick, et al.

Serial No. 10/668,467 Confirm 2942

Filed: 09/23/2003

For: Multi-Threaded Write Interface and
Methods for Increasing the Single File Read
and Write Throughput of a File Server

Group Art Unit: 2161

Examiner: Bibbee, Jared M.

Atty. Dkt. No.: 10830.0100.NPUS00

RULE 131 DECLARATION OF RICHARD C. AUCHTERLONIE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

1. I am a registered patent attorney who prepared and filed the subject patent application Ser. 10/668,467 on Sept. 23, 2003.

2. I have reviewed a Rule 131 Declaration of Sorin Faibish executed on April 9, 2009, including attached Exhibits A, B, and C, which I am filing together with this Rule 131 Declaration of Richard C. Auchterlonie. These Exhibits A, B, and C, are copies of documents that I placed in a paper file jacket in about September of 2003 and that remain in this paper file jacket in my custody and control. I also have, in my possession, an electronic copy of the “red-lined” version of the patent application of Exhibit B.

3. Some time prior to Aug. 8, 2003, I transmitted, via electronic mail, a first draft of a patent application on a multi-threaded write interface invention to Sorin Faibish of EMC Corporation. Attached in Exhibit A of the Rule 131 Declaration of Sorin Faibish is a true and correct copy of the transmittal E-mail message that I sent with this first draft of the patent application, except that the date of the transmittal E-mail message has been redacted, where indicated by the box labeled "REDACTED".

4. On August 8, 2003, I received, via electronic mail, a "red-lined" version of the first draft of the patent application from Sorin Faibish of EMC Corporation. Attached in Exhibit B of the Rule 131 Declaration of Sorin Faibish is a true and correct copy of the transmittal E-mail and this "red-lined" version of the first draft of the patent application that I found attached to this electronic mail of August 8, 2003, except that attorney-client communication has been redacted from the body of the E-mail, and attorney-client communication has been redacted from page 41 of the "red-lined" version of the first draft of the patent application, where indicated by boxes labeled "REDACTED".

5. During the time from August 8, 2003 to Sept. 4, 2003, I used the "red-lined" version of the first draft of the patent application to draft about twenty-four additional claims and to prepare a second draft of the patent application including the additional claims and revisions and additions to the drawings and specification. I believe that this second draft of the patent application was what I filed with the Patent and Trademark Office on Sept. 23, 2003, and was assigned Ser. 10/668,467.

6. On September 4, 2003, I transmitted, via electronic mail, the second draft of the patent application to Sorin Faibish of EMC Corporation. Attached in Exhibit C of the Rule 131

Declaration of Sorin Faibih is a true and correct copy of the transmittal E-mail that I sent to Sorin Faibish on September 4, 2003.

7. During the time from August 8, 2003 to Sept. 23, 2003, I was also working on a backlog of the following other related and unrelated cases for EMC Corporation:

Ser. 10/645,976 Filed 08-22-2003 Published as US 2005-0044080 A1

Ser. 10/646,851 Filed 08-22-2003 Published as US 2005-0044162 A1

Ser. 10/654,137 Filed 09-03-2003 Published as US 2005-0050107 A1

Ser. 10/655,693 Filed 09-05-2003 Published as US 2004-0054866 A1

Ser. 10/668,546 Filed 09-23-2003 Published as US 2005-0065986 A1

Ser. 10/668,783 Filed 09-23-2003 Published as US 2005-0065985 A1

8. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Ser. No. 10/668,467

Rule 131 Declaration of Richard C. Auchterlonie

Respectfully submitted,

Richard C. Auchterlonie, 13 Apr. 1 2009
Richard C. Auchterlonie, Reg. 30,607 date